



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/544,865	04/07/2000	Pauline Sai-Fun Yeung	04509.P010	9546

7590 08/12/2004

Paramita Ghosh
Blakely Sokoloff Taylor & Zafman LLP
12400 Wilshire Boulevard 7th Floor
Los Angeles, CA 90025

EXAMINER

BLOUNT, STEVEN

ART UNIT	PAPER NUMBER
----------	--------------

2661

DATE MAILED: 08/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/544,865

Applicant(s)

YEUNG, PAULINE SAI-FUN

Examiner

Steven Blount

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 9-18 is/are rejected.
- 7) ☒ Claim(s) 6-8 and 19-21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 – 5 and 9 - 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 5,758,075 to Graziano et al in view of U.S. patent 5,845,152 to Anderson et al.

With regard to claim 1, Graziano et al teaches selecting a first queue from at least four queues in a switch in col 2 line 35, col 23 lines 58+, col 25 lines 16+, Col 37 lines 30+, and col 37 lines 55 (especially). Graziano also teaches receiving a packet over a bus in col 5 lines 13+, the abstract, and col 2 line 24. Graziano further teaches selecting a second queue to place the packet in, in col 2 lines 50+, col 38 lines 10+, and col 39 lines 37+, and flushing in col 36 lines 38+. Graziano does not however explicitly teach selecting or placing the packet based on the cycle number of a cycle. Doing this is taught in Anderson et al in col 4, lines 19 – 28. See also figure 3 and col 2 lines 45+ and note the fact that it is mentioned in col 4 lines 23+ that it is mentioned that the cycles are generally sent in order unless there is a lost cycle or failed transmission.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have selected and placed the packet in the queues of Graziano

Art Unit: 2661

based on the cycle number, in light of the teachings of Anderson et al, in order to help correct for lost cycles, skewed cycles, or failed transmissions.

With regard to claim 2, note that in col 4 lines 26+, it is stated that the packets can be sent out in a "specific cycle".

With regard to claim 3, four queues are shown in figure 4B.

With regard to claims 4 - 5, the choice of queues corresponding to the specific cycles and the labeling of the queue numbers is a matter of design choice.

With regard to claims 9 – 10, note the use of pointers in col 39 lines 5+ of Graziano and also figure 8B of Anderson et al.

With regard to claims 11 - 12, see the rejection of claim 1 above and note that the means in the specifications of Graziano et al and Anderson et al.

With regard to claim 13, see the rejection of claim 1 and note that the flushing operation would be obvious to apply to both the ingress and egress buffers (queues).

With regard to claim 14, at least one bus is used.

With regard to claim 15, IEEE 1394 is mentioned in col 1 of Anderson et al.

With regard to claim 16, note figure 4B of Graziano et al.

With regard to claims 17 – 18, see the rejection of claim 1 above.

3. Claims 6 – 8 and 19 – 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form to include the limitations of the base claim and any intervening claims.

Art Unit: 2661

4. Applicants arguments are moot in view of the new grounds of rejection.
5. Examiner Steven Blount may be reached at 703-305-0319 between the hours of 9:00 and 5:30.


Ajit Patel
Primary Examiner

SB



7/30/04